

Section	Violation	Willful violation
234.261 Highway traffic signal pre-emption	1,000	2,000
234.263 Relays	1,000	2,000
234.265 Timing relays and timing devices	1,000	2,000
234.267 Insulation resistance tests, wires in trunking and cables	2,500	5,000
234.269 Cut-out circuits	1,000	2,000
234.271 Insulated rail joints, bond wires, and track connections	2,500	5,000
234.273 Results of tests	1,000	2,000
234.275 Processor-Based Systems	\$5,000	\$7,500

¹ A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[61 FR 31806, June 20, 1996, as amended at 63 FR 11623, Mar. 10, 1998; 69 FR 30595, May 28, 2004; 70 FR 11094, Mar. 7, 2005; 73 FR 76704, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012]

**APPENDIX B TO PART 234—ALTERNATE METHODS OF PROTECTION UNDER 49 CFR
234.105(c), 234.106, AND 234.107(c)**

[This is a summary—see body of text for complete requirements]

	Flagger for each direction of traffic	Police officer present	Flagger present, but not one for each direction of traffic	No flagger/no police
False Activation	Normal Speed	Normal Speed	Proceed with caution—maximum speed of 15 mph.	Proceed with caution—maximum speed of 15 mph.
Partial Activation* ...	Normal Speed	Normal Speed	Proceed with caution—maximum speed of 15 mph.	Proceed with caution—maximum speed of 15 mph.
Activation Failure**	Normal Speed	Normal Speed	Proceed with caution—maximum speed of 15 mph.	Stop: Crewmember flag traffic and reboard.

*Partial activation—full warning not given.
Non-gated crossing with one pair of lights designed to flash alternatively, one light does not work (and back-lights from other side not visible).

Gated crossing—gate arm not horizontal; or any portion of a gate arm is missing if that portion had held a gate arm flashing light.

**Activation failure includes—if more than 50% of the flashing lights on any approach lane not functioning; or if an approach lane has two or more pairs of flashing lights, there is not at least one pair operating as intended.

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

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235.1 Scope.

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235.8 Relief from the requirements of part 236 of this title.

235.9 Civil penalty.

235.10 Contents of application.

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235.13 Filing procedure.

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APPENDIX A TO PART 235—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 49 FR 3380, Jan. 26, 1984, unless otherwise noted.

§ 235.1 Scope.

This part prescribes application for approval to discontinue or materially modify block signal systems, interlockings, traffic control systems, automatic train stop, train control, or cab signal systems, or other similar appliances, devices, methods, or systems, and provides for relief from part 236 of this title.

§ 235.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.